

### REMARKS

The Final Office Action dated December 12, 2007 is acknowledged. Applicants request examination of the above-referenced application in view of the foregoing amendments and the following remarks.

#### Status of Claims

By this Amendment, claim 33 has been amended. Claims 1-32 have been withdrawn by the Examiner. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

#### I. Rejections

##### A. Rejection under 35 U.S.C. § 112

Claim 33 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner maintains that the term "pyridinyl derivative" renders claim 33 indefinite. Applicants note that claim 33 does not contain the term "pyridinyl derivative".

The Examiner further states that the term "ONC<sub>3</sub>H<sub>2</sub>" allegedly renders claim 33 indefinite. Applicants, without acquiescing in the Examiner's rejection, have obviated this rejection by deleting the term "ONC<sub>3</sub>H<sub>2</sub>" from claim 33. Applicants respectfully request reconsideration and withdrawal of the indefiniteness rejections.

##### B. Prior Art Rejections

##### Rejection under 35 U.S.C. § 102

Claim 33 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,656,183 to Böger *et al.*

The Examiner refers to the US 4,656,183 reference ("Böger" or "the '183 reference") with regard to compound 22 in columns 15-16, compound 31 in columns 17-18. Applicants, without acquiescing in the Examiner's rejection, have obviated this rejection by amending Ar<sup>2</sup>

to recite "pyridinyl." The amendment finds support in the specification, for example, on page 73, line 10-15 of the specification. Therefore, reconsideration and withdrawal of the anticipation rejection is respectfully requested.

C. Double Patenting

Applicants respectfully request that Examiner hold the provisional obviousness-type double patenting rejection in abeyance until at least one claim is found to be allowable.

**CONCLUSION**

In view of the above amendments and remarks, early notification of a favorable consideration is respectfully requested.

Applicants request that fees under 37 CFR §1.17(e) be charged to Deposit Account No. 50-3380, referencing Attorney Docket No. 978725.3/MPG-0002.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380, referencing Attorney Docket No. 978725.3/MPG-0002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Kamis", with a large, sweeping initial "R" and a stylized "K".

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